

IN THE UNITED STATES DISTRICT COURT
FOR THE ~~SOUTHERN~~ ^{MIDDLE} DISTRICT OF ALABAMA

DARRYL D. RIGGINS #18405/

RECEIVED

PLAINTIFF

VS.

RICHARD ALLEN, ET. AL.

DEFENDANTS

2008 MAR 26 A 9:59

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CLASS ACTION

CIVIL ACTION NO: 2:08CV218-MHT

PLAINTIFFS MOTION FOR IMMEDIATELY PRELIMINARY INJUNCTION

PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 65 (A) PLAINTIFF MOVE THIS HONORABLE COURT FOR A IMMEDIATE PRELIMINARY INJUNCTION FOR THE REASONS SET FORTH BELOW AND IN THEIR SUPPORTING MEMORANDUM OF LAW

- 1.) THERE IS A REASONABLE LIKELIHOOD THAT PLAINTIFF WILL PREVAIL ON THE MERITS FOR MORE THAN SIX (6) MONTHS DEFENDANTS HAVE DENIED AND CONTINUES TO DENIE PLAINTIFFS OF ADEQUATE MEDICAL TREATMENT AND SECURITY AT W.C. HOLMAN PRISON FOR MEN IN SO DOING THE DEFENDANTS HAVE ACTED WITH DELIBERATE INDIFFERENCE TO A SUBSTANTIAL RISK OF SERIOUS HARM IN VIOLATION OF PLAINTIFFS RIGHTS UNDER THE EIGHTH AMENDMENT
- 2.) THERE IS A SUBSTANTIAL THREAT OF SERIOUS IRREPARABLE HARM IF THE INJUNCTION IS NOT GRANTED AS A RESULT OF DEFENDANTS CONSTANT CONFINEMENT IN SINGLE SINGLE MEN CELLS UNOBSERVED AND REFUSAL OF ADEQUATE MEDICAL TREATMENT AND VERY POORLY VENTILATED CELLS WITH MOLD MEADOW AND THE SMELL OF DECAY PLAINTIFFS HAVE SUFFERED AND CONTINUE TO SUFFER SERIOUS IRREPARABLE HARM AND PHYSICAL AND MENTAL INJURIES ANY REMEDY AT LAW FOR PLAINTIFFS INJURIES WOULD BE INADEQUATE

3.) THE THREATENED INJURIES TO PLAINTIFFS OUTWEIGHS ANY HARM THE PROPOSED INJUNCTION MAY CAUSE DEFENDANTS THE RELIEF THAT PLAINTIFF SEEK IS AN ORDER COMPELLING DEFENDANTS TO PERFORM THEIR PRE-EXISTING DUTIES UNDER THE U.S. CONSTITUTION

4.) THE PUBLIC INTEREST WILL NOT BE DIS SERVED BY GRANTING OF A PRE-LIMINARY INJUNCTION TO THE CONTRARY THE PUBLIC INTEREST IS WELL SERVED BY PROTECTING THE CONSTITUTIONAL RIGHTS OF ALL ITS MEMBERS

WHEREFORE, PLAINTIFFS REQUEST THAT UPON CONSIDERATION OF THIS MOTION AND SUPPORTING MEMORANDUM OF LAW THIS HONORABLE COURT ORDER DEFENDANTS THEIR SUCCESSORS, AGENTS, EMPLOYEE'S, AND ALL PERSONS ACTING IN CONCERT WITH THEM TO PROVIDE PLAINTIFFS WITH ADEQUATE MEDICAL TREATMENT AND SECURITY FROM THE SUBSTANTIAL RISK OF IRREPARABLE HARM AND OR DEATH BY OVERDOSING

Respectfully Submitted this 09th day of MARCH 2008

Respectfully Submitted
Darryl D. Riggins #184051
DARRYL D. RIGGINS #184051
SEG. ANNEX - K-34-A
HOLMAN UNIT 3700
ATMORE, ALABAMA 36503